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6 Attorney for Plaintiff,
7 TAMARA WAREKA p/k/a TAMARA WILLIAMS

8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE NORTHERN DISTRICT OF ILLINOIS**

10
11 TAMARA WAREKA p/k/a TAMARA
WILLIAMS,

12 Plaintiff,

13
14 v.

15 VALURE LASER & MED SPA, LLC, and
DOES 1 through 10 inclusive,

16 Defendants.
17

Case No. **24-cv-12009**

COMPLAINT

DEMAND FOR JURY TRIAL

18
19 Plaintiff Tamara Wareka p/k/a Tamara Williams, by and through her
20 undersigned counsel, brings this Complaint against Defendant VALURE LASER &
21 MED SPA, LLC and DOES 1 through 10, inclusive, and alleges as follows:

22 **NATURE OF THE ACTION**

23 This is a civil action seeking damages and injunctive relief for copyright
24 infringement under the Copyright Act of the United States, 17 U.S.C. § 101 *et seq.*

25 **PARTIES**

26 1. Plaintiff, Tamara Wareka p/k/a Tamara Williams (“Tamara Williams”
27 or “Williams”), is an individual and professional photographer by trade.
28

1 2. Defendant, VALURE LASER & MED SPA, LLC (“Valure” or
2 “Defendant”) is a limited liability company duly organized and existing under the
3 laws of the State of Illinois and doing business in the State of Illinois.

4 3. Plaintiff is unaware of the true names and capacities of the Defendants
5 sued herein as DOES 1 through 10, inclusive, and for that reason, sues such
6 Defendants under such fictitious names. Plaintiff is informed and believes and on that
7 basis alleges that such fictitiously named Defendants are responsible in some manner
8 for the occurrences herein alleged, and that Plaintiff’s damages as herein alleged were
9 proximately caused by the conduct of said Defendants. Plaintiff will seek to amend
10 the complaint when the names and capacities of such fictitiously named Defendants
11 are ascertained. As alleged herein, “Defendant” shall mean all named Defendants and
12 all fictitiously named Defendants.

13 **JURISDICTION AND VENUE**

14 4. This Court has original subject matter jurisdiction over Plaintiff’s
15 claim for copyright infringement pursuant to 28 U.S.C. § 1331 and 28 U.S.C. §
16 1338(a).

17 5. This court has personal jurisdiction over Defendant because Defendant
18 has a physical presence in the State of Illinois and the Defendant transacts business in
19 the state of Illinois.

20 6. Venue in this judicial district is proper under 28 U.S.C. § 1391(c) and
21 1400(a) in that this is the judicial district in which the Defendant resides; a substantial
22 part of the acts and omissions giving rise to the claims occurred, or a substantial part
23 of property that is the subject of this action is situated in this judicial district, and/or
24 this civil action arises under the Copyright Act of the United States and Defendant
25 and it’s agents can be found in this judicial district.

26 **FACTUAL ALLEGATIONS**

27 *Plaintiff Tamara Williams*

1 7. Tamara Williams is a highly successful freelance photographer
2 specializing in beauty and fashion photography. Williams is most well-known for her
3 natural and clean portraiture featured on her highly popular Instagram account
4 @tamarawilliams, which has amassed almost 600,000 followers.

5 8. Williams' work has been featured in top publications such as Vogue,
6 Harper's Bazaar, Marie Clare, Elle, L'Officiel, Glamour, Cosmopolitan, Maxim, and
7 many more. Additionally, her work has been used commercially by brands such as
8 NARS, KKW, Fenty, and Benefit.

9 9. Tamara Williams' livelihood depends on receiving compensation for
10 the photographs she produces, and the copyright protection afforded to Tamara
11 Williams' work deters would-be infringers from copying and profiting from her work
12 without permission.

13 10. Williams is the sole author and exclusive rights holder to a photograph
14 of a blonde woman with blue eyes, looking over her shoulder at the camera (the "Tess
15 Photograph").

16 11. Attached hereto as Exhibit A is a true and correct copy of the Tess
17 Photograph.

18 12. Williams registered the Hanna Photograph with the United States
19 Copyright Office under Registration Number VA-2-116-918 with an Effective Date
20 of Registration of August 23, 2018.

21 13. Attached hereto as Exhibit B is a true and correct copy of Copyright
22 Registration Certificate VA-2-116-918 for the Tess Photograph.

23 14. On information and belief, Valure is a medical spa offering laser hair
24 removal, injectables such as botox and fillers, IV therapy, and esthetic services in
25 Vernon Hills, Illinois. *See generally* <https://valurespa.com/>.

26 15. Valure manages, operates, and controls the website
27 <https://valurespa.com/> ("Defendant's Website").
28

1 16. On information and belief, Defendant's Website generates content in
2 order to promote Defendant(s)' products and services, attract social media followers
3 and user traffic and generate profit and revenue for the company and its owner(s).

4 17. On or about September 28, 2024, Williams discovered her Tess
5 Photograph copied and published on Defendant's Website on a webpage with
6 information on "melasma treatment," ("Infringing Use").

7 18. Attached hereto as Exhibit C are true and correct screenshots from
8 Defendant's Website showing the Infringing Use.

9 19. Valure, including its employees, agents, contractors, or others over
10 whom it has responsibility and control, copied and uploaded the Tess Photograph to
11 Defendant's Website without Williams's consent or authorization.

12 20. Williams has never at any point given Valure a license or other
13 permission to display, copy, distribute or otherwise use the Tess Photograph in the
14 Infringing Posts on Defendant's Website or on any other website or platform.

15 21. Valure (including its employees, agents, contractors or others over
16 whom it has responsibility and control) copied and uploaded the Tess Photograph to
17 Defendant's Website without Williams's consent.

18 22. Defendant's use of the Tess Photograph was deliberate and willful
19 because it knew or should have known that it did not purchase a license to use the
20 Tess Photograph on Defendant's Website or in any other way.

21 23. Defendant's actions were deliberate and willful because Defendant
22 should have known their use was infringing given they are party to another lawsuit,
23 brought by Plaintiff Williams and currently pending before this Court ("Case No.
24 1:24-cv-01545"), wherein Plaintiff alleges another case of copyright infringement
25 against Defendant.

26 24. The Infringing Use alleged herein began and/or continued within the
27 pendency of Case No. 1:24-cv-01545.

28 25. Defendant knew or should have known their actions of using an
unlicensed work on Defendant's Website constituted copyright infringement and/or

1 acted in reckless disregard for Plaintiff Williams rights as the copyright holder.

2 **CAUSE OF ACTION**

3 **COPYRIGHT INFRINGEMENT**

4 **17 U.S.C. § 101 *et seq***

5 26. Plaintiff incorporates by reference all the above paragraphs of this
6 Complaint as though fully stated herein.

7 27. Plaintiff did not consent to, authorize, permit, or allow in any manner
8 the said use of Plaintiff's unique and original Tess Photograph.

9 28. Plaintiff is informed and believes and thereon alleges that the Defendant
10 willfully infringed upon Plaintiff's copyrighted Tess Photograph in violation of Title
11 17 of the U.S. Code, in that they used, published, communicated, posted, publicized,
12 and otherwise held out to the public for commercial benefit, the original and unique
13 Tess Photograph of the Plaintiff without Plaintiff's consent or authority, by using it
14 in the Infringing Posts and failing to remove the Tess Photograph when notified of
15 the misuse.

16 29. As a result of Defendant's violations of Title 17 of the U.S. Code,
17 Plaintiff is entitled to any actual damages pursuant to 17 U.S.C. §504(b), or statutory
18 damages pursuant to 17 U.S.C. § 504(c).

19 30. As a result of the Defendant's violations of Title 17 of the U.S. Code,
20 the court in its discretion may allow the recovery of full costs as well as reasonable
21 attorney's fees and costs pursuant to 17 U.S.C § 505 from Defendant.

22 31. Plaintiff is also entitled to injunctive relief to prevent or restrain
23 infringement of her copyright pursuant to 17 U.S.C. § 502.

24 32. Defendant(s)—including its employees, agents, contractors or others
25 over whom it has responsibility and control—copied and uploaded the Tess
26 Photograph to Defendant's Website without Williams's consent or authorization.

27 33. Valure (including its employees, agents, contractors or others over
28 whom it has responsibility and control) willfully uploaded the Tess Photograph onto
Defendant's Website because Valure knew it did not have permission to use the Tess

Photograph.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendant as follows:

- For a finding that Defendant infringed Plaintiff's copyright interest in the Tess Photograph by copying, displaying, and distributing it without a license or consent;
- For an award of actual damages and disgorgement of all of profits attributable to the infringement as provided by 17 U.S.C. § 504 in an amount to be proven or, in the alternative, at Plaintiff's election, an award for statutory damages against Defendant pursuant to 17 U.S.C. § 504(c), whichever is larger;
- For an injunction preventing Defendant from further infringement of all copyrighted works of the Plaintiff pursuant to 17 U.S.C. § 502;
- For costs of litigation and reasonable attorney's fees against Defendant pursuant to 17 U.S.C. § 505;
- For pre judgment interest as permitted by law; and
- For any other relief the Court deems just and proper.

Dated: November 21, 2024

Respectfully submitted,

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DEMAND FOR JURY TRIAL

Plaintiff Williams hereby demands a trial by jury in the above matter.

Dated: November 21, 2024

Respectfully submitted,

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